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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

REV. PATRICK J. MAHONEY, CHRISTIAN
DEFENSE COALITION, OPERATION
RESCUE BOSTON and OPERATION
RESCUE WEST, BRANDI SWINDELL,
GENERATION LIFE, and SURVIVORS OF
THE ABORTION HOLOCAUST,
Plaintiffs,

vs.

TOM RIDGE, Secretary of the Department of
Homeland Security, in His Official Capacity,
W. RALPH BASHAM, Director of the United
States Secret Service, in His Official Capacity,
JOHN DOE AGENT, Field Agent in Charge
of the Boston Office for the United States
Secret Service, in His Official Capacity, JOHN
DOE AGENTS 1 to 20, in Their Official
Capacity as Special Agents for the United
States Secret Service.
Defendants.

Case No.:

APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
SUPPORTING DECLARATION

REQUEST FOR ORAL ARGUMENT

04 11649 NMG

Plaintiffs make this Application for Temporary Restraining Order pursuant to
Fed.R.Civ.P. 65, and is based on the facts set forth in the Declaration of Patrick J. Mahoney

APPLICATION - 1

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1 included herewith. In addition, plaintiffs file simultaneously herewith their memorandum of law
2 in support of the temporary restraining order.

3 Plaintiffs hereby apply for entry of a Temporary Restraining Order wherein the
4 defendants, their agents, servants, employees, and attorneys, and those acting in active concert
5 with them be denied the authority to leave the sidewalks open generally to other uses while
6 closing the sidewalks to First Amendment Activities for the week of July 26 through August 1,
7 2004 during the Democratic National Convention, and furthermore, deny the defendants the
8 power to close Louisburg Square and Pinckney Street to First Amendment activity for the
9 reasons articulated in the plaintiffs' complaint until this matter can be heard on its merits.
10

11 In the interim, it is respectfully requested that the Court order these defendants to refrain
12 from leaving the sidewalks open generally to other uses while closing the sidewalks to First
13 Amendment Activities for the Week of July 26 through August 1, 2004 during the Democratic
14 National Convention and furthermore, deny the defendants the power to close Louisburg Square
15 and Pinckney Street to First Amendment activity for the reasons articulated in the plaintiffs'
16 complaint until this matter can be heard on its merits.
17

18 In support of this application, plaintiffs stress that (1) the issuance of a Temporary
19 Restraining Order is necessary before a hearing on the plaintiffs Preliminary Injunction to
20 prevent irreparable harm to plaintiffs and others; (2) there is a likelihood that plaintiffs will
21 prevail on the merits of the Application for Preliminary Injunction; (3) the threatened injury to
22 plaintiffs far outweigh any possible harm a Temporary Restraining Order could conceivably
23 cause the defendants; and (4) issuing a Temporary Restraining Order will clearly serve the public
24 interest by upholding the Constitution of the United States.
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1 Unless this Court enjoins the defendants, plaintiffs' constitutional rights will be violated
2 in that the First Amendment rights of these plaintiffs' will be infringed upon and violated by the
3 closure of public sidewalks traditionally considered to be public fora to First Amendment
4 activities while leaving said sidewalks open to other general uses and/or for closing a sidewalk
5 for reasons articulated in the plaintiffs' complaint, hereby incorporated by reference; a violation
6 of the First and Fourteenth Amendments to the United States Constitution. The closing of the
7 sidewalks to First Amendment activity while leaving the sidewalks open to other uses and/or
8 closing a sidewalk for reasons articulated in the plaintiffs' complaint will result in irreparable
9 injury and deprivation to the plaintiffs of their First and Fourteenth Amendments rights
10 guaranteed by the United States Constitution.
11

12 WHEREFORE, plaintiffs respectfully request that this Court enter a Temporary
13 Restraining Order whereby defendants be denied the authority to leave the sidewalks open
14 generally to other uses while closing the sidewalks to First Amendment Activities for the week
15 of July 26 through August 1, 2004 during the Democratic National Convention and furthermore,
16 deny the defendants the power to close Louisburg Square and Pinckney Street to First
17 Amendment activity for the reasons articulated in the plaintiffs' complaint until this matter can
18 be heard on its merits. The relief sought is for a period of ten days or until the issuance of a
19 Preliminary Injunction, from the facts set forth above, and that a bond be waived or nominal
20 bond be required.
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24 Dated: July 23, 2004.

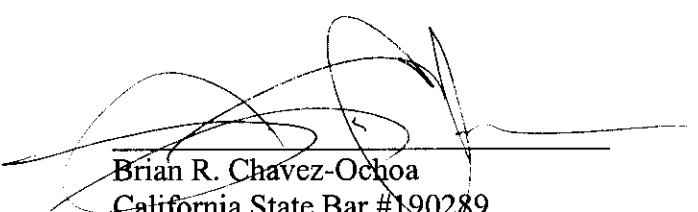
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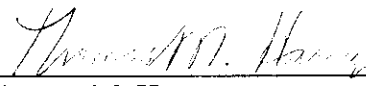
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1 Respectfully submitted,

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